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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,479	02/22/2002	Paul Giampavolo	P/1759-85	4324
2352	7590	07/14/2006	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			CHAN, KO HUNG	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/082,479

Applicant(s)

GIAMPAVOLO, PAUL

Examiner

Korie H. Chan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,4,13,14,18,26,27,29 and 32-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,4,13,14,18,26,27,29,32-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 2, 4, 13, and 14 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Currently, applicant independent claims are focused on the embodiment of figures 7a-7b with the resistant opening 27 and convex extended hook region and body surfaces and does not read on the other embodiment. However, the claimed embodiment of figures 7a-7b does not show plural openings as recited in claims 2, 4, 13, and 14. The specification does not indicate specifically that the embodiment of figures 7a-7b has plural openings. Consequently, such claimed features for figures 7a-7b are not disclosed by the original specification and constitutes new matter.

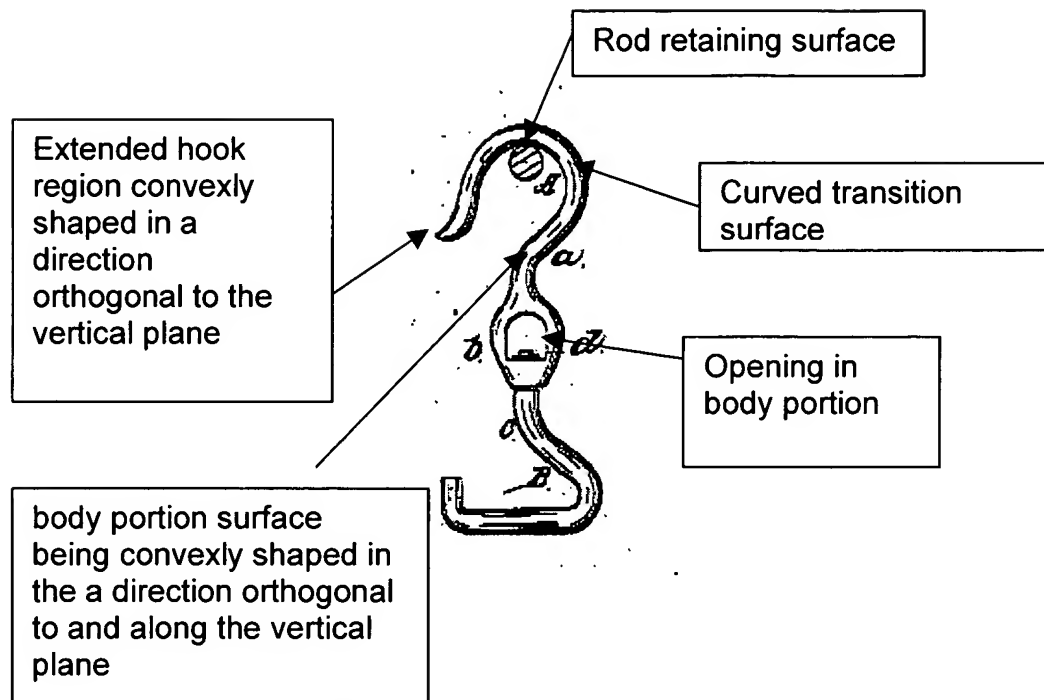
Applicant's arguments filed 4/27,2006 have been fully considered but they are not persuasive. Regarding the above 112 first paragraph rejection, applicant's cites various area of the specification where the plurality of slots or the impeding opening is indicated. However, no where does applicant cited a recitation that both of these coexist. Applicant's citation of plurality of slots in the specification are drawn to figures

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1-3 embodiments of the invention while citations of the impeding opening are discussing the embodiment of figures 7a-7b. The abstract provides a mere summary of the various embodiments and does not provide support for the coexistence of the plural openings and impeding hook opening in a single embodiment as currently claimed.

Claim Rejections - 35 USC § 103

Claims 29 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ursitti (U.S. patent no. D395,555) in view of Oatley (US patent no. 70,884). Ursitti discloses a device for garment having a hook portion and a body portion with opening and a strap threaded through the opening. However, Ursitti does not disclose an extended hook region surface is convexly shaped in the direction orthogonal to the vertical plane passing through a center of the extended hook region surface, wherein the body portion surface is also convexly shaped in the direction orthogonal to the vertical plane such that a size of the hook opening decreases towards a point and thereafter increases. Oatley teaches a hook with an extended hook region surface is convexly shaped in the direction orthogonal to the vertical plane passing through a center of the extended hook region surface, wherein the body portion surface is also convexly shaped in the direction orthogonal to the vertical plane such that a size of the hook opening decreases towards a point and thereafter increases. (see illustration below).



It would have been obvious to one of ordinary skilled in the art to have made Ursitti's hook apparatus from wire or rod type material such that the convex shaped surfaces and the particular design shape of the hook is achieved as such material for making hooks is old and well-known and conventional as demonstrated by Oatley.

Claims 2, 4, 27, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ursitti (U.S. patent no. D395,555) in view of Oatley (US patent no. 70,884) combined and further in view of Hall (637,733). Ursitti and Oatley combined disclosed all the claimed features of applicant's invention except for the opening is rectangular or providing plural openings with strap threading through each. Hall teaches a hanger device comprising a hook portion (G, figure 2) and a body portion

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having rectangular openings (b, d, figure 2) a strap (B, figure 1) threaded through each opening. It would have been obvious to one of ordinary skill in the art to have modify the opening of Ursitti such that the opening is rectangular for accommodating the rectangular cross-section strap and to provide plural openings with strap threading through each such that the strap is firmly attached to the openings as taught by Hall.

Claims 18 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ursitti (U.S. patent no. D395,555) in view of Oatley (US patent no. 70,884) and further in view of Adkins (US patent no. 5,083,813). Ursitti and Oatley combined disclosed all the claimed features of applicant's invention as discussed above.

However, Ursitti and Oatley combined does not show the rod as having a diameter of approximately a same size as the first dimension of the hook opening. To provide the first dimension of the hook opening to be at least approximately a same size as the diameter of the rod in order to provide an impeding opening is old and well-known. Adkins teaches providing a hook opening (16, figure 4) being approximately a same size as the diameter of the rod (28 and Col. 3, lines 20 only "slightly less"). It would have been obvious to one of ordinary skilled in the art to have made the hook opening of Ursitti and Oakley combined to be of approximately the same size as the rod diameter as taught by Adkins to facilitate the well-known advantage of providing an impeding opening.

Claims 13, 14, 26, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ursitti (U.S. patent no. D395,555) in view of Oatley (US patent no. 70,884) and Adkins (US patent no. 5,083,813) as applied to claim 18 above, and further

in view of Hall (637,733). Ursitti and Oatley and Adkins combined disclosed all the claimed features of applicant's invention except for the opening is rectangular or providing plural openings with strap threading through each. Hall teaches a hanger device comprising a hook portion (G, figure 2) and a body portion having rectangular openings (b, d, figure 2) a strap (B, figure 1) threaded through each opening. It would have been obvious to one of ordinary skill in the art to have modify the opening of Ursitti and Oatley combined such that the opening is rectangular for accommodating the rectangular cross-section strap and to provide plural openings with strap threading through each such that the strap is firmly attached to the openings as taught by Hall.

Response to Arguments

Applicant's arguments with respect to pending claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

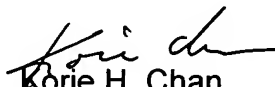
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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Korie H. Chan whose telephone number is 571-272-6816. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571)272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Korie H. Chan
Primary Examiner
Art Unit 3632

khc
July 10, 2006